

Atty Dkt. No.: ORIN-004
USSN: 10/634,641

REMARKS

FORMAL MATTERS:

Claims 11 and 15-22 are pending after entry of the amendments set forth herein.

Claims 1-10 and 12-14 have been canceled.

Claims 11 and 15-22 have been allowed.

The amendments do not involve new matter, nor do they raise new issues. Therefore, entry of these amendment and reconsideration is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicants note with gratitude the Examiner's indication that claims 11 and 15-22 are allowable. The present amendment cancels all rejected claims, and thus should place the application in form for allowance.

REJECTIONS UNDER §102

Claims 1-2 and 5-10 were variously rejected as follows:

- Claims 1-2, 5, and 9-10 were rejected as being anticipated by the Jin et al. abstract.¹
- Claims 1-2, and 5-8 were rejected as being anticipated by Janusz et al. (1993 J. Med. Chem. 36:2595-2604) or Janusz et al. (U.S. Pat. No. 4,898,887).
- Claims 1-2, and 5-6 were rejected as being anticipated by Martin et al., US 2004/0122089
- Claims 1-2, and 5-7 were rejected as being anticipated by Chen U.S. Pat. No. 5,221,692.

Without acquiescing to the correctness of the grounds of the rejections as applied, claims 1-2 and 5-10 are canceled, rendering these rejections moot.

¹ The abstract cited is from the Japanese publication Jin et al. 2002 "Effect of capsaicin and N-docosahexaenol-vanillylamide on growth of taxol-tolerant HeLa cells" Nippon Shokuhin Kagaku Gakkaishi 9(2):50-53.

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CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

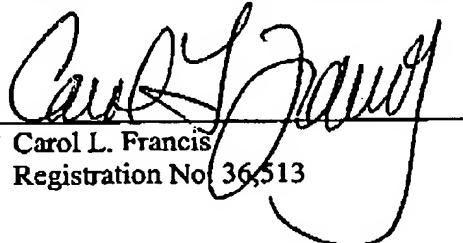
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ORIN-004.

Respectfully submitted,
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Date:

Sept 29, 2005

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